BYLAWS AND RULES
OF THE
OTTAWA COUNTY PLANNING COMMISSION

SECTION 1

PURPOSE

The Ottawa County Planning Commission was created pursuant to MCL 125.101 et seq. by the Ottawa County Board of Commissioners. The provisions of the "Ordinance Establishing the Ottawa County Planning Commission" and any amendments thereto are incorporated herein by reference. That ordinance authorizes the Planning Commission to establish rules and bylaws to govern its operations. These Bylaws and Rules are to be read in a manner consistent with that ordinance, as well as state law, and any provision herein deemed inconsistent with the ordinance or state law shall be struck and the remainder of the Bylaws and Rules shall remain in full force and effect.

SECTION II

ORGANIZATION

2.1 MEMBERSHIP. By ordinance, the Planning Commission shall total six (6) members, two (2) from the Ottawa County Board of Commissioners and the remaining four (4) from among the following communities: agricultural, business and industrial, tourism, financial, environmental and sociological academic. Upon a proper vote, the Planning Commission may appoint ex-officio members to assist it in the performance of its duties. Ex-officio members shall not have voting rights.

2.2 FIDUCIARY DUTIES. All members including ex-officio members must recognize their fiduciary duty to the Planning Commission. While the Planning Commissioners and ex-officio members are representative of different constituencies within the county, they shall endeavor to promote the general public good rather than special interests. No Planning Commissioner or ex-officio member shall breach the confidentiality of Planning Commission material or information before it has been made public. Any such breach shall be considered cause for removal.

2.3 ATTENDANCE. If a member is unable to attend a Planning Commission or committee meeting, he or she must contact the Ottawa County Planning Department or Chairperson by 5 p.m. of the day preceding the meeting and advise them of the reason for the absence. That reason must then be reported at the meeting at which the member is absent. Failure to notify the Planning Department or the Chairperson of the reason for absence will result in the absence being declared "unexcused." The Planning Commission or committee shall also have the discretion, despite utilization of the notice and reporting provisions herein, to declare the absence "unexcused." Three (3) unexcused absences of a member in the aggregate during any twelve (12) month period, from Planning Commission and committee meetings shall be reported by the Secretary to the Ottawa County Board of Commissioners and may be "cause" for that Board's removal of the member.

2.4 COMPENSATION. Planning Commissioners may be paid a per diem as established by the Ottawa County Board of Commissioners. Ex-officio members shall not receive compensation.

Planning Commissioners and ex-officio members may be reimbursed for actual, reasonable and necessary expenses incurred in the discharge of their duties. No such reimbursement shall be paid without appropriate receipt or mileage statement. Each Planning Commissioner or member shall be responsible for procuring and presenting such back-up documentation to the Secretary who shall collect and preserve such documentation.

SECTION III

OPERATIONS

3.1 SESSION. The Planning Commission shall operate on an annual session coterminous with the calendar year.

3.2 MEETINGS. The Planning Commission must hold at least four (4) meetings a session, including an organizational meeting each January. At the organizational meeting, the Planning Commission shall select a Chairperson, Vice-Chairperson and Secretary, the latter need not be a member of the Planning Commission.

At the organizational meeting, a schedule of regular meetings for the year shall be established, including the organizational meeting for the following January. This schedule shall include the date, time and meeting location. Notwithstanding the above regular meetings may be adjourned and rescheduled by the Chairperson for cause.

Special meetings to discuss particular topics may be called by the Chairperson or by a written request signed by three (3) Planning Commissioners and filed with the Secretary. Special meetings of the Board will require seven (7) calendar days written notice to all Planning Commissioners of the meeting date, time, location and topic. No business except that related to the topic may be conducted at the special meeting.

Each Planning Commissioner shall be responsible for keeping the Secretary apprised of his or her current address and telephone number and if such information is utilized, no defect in notice will be recognized.

No Planning Commission action shall be official unless it occurs upon a proper vote at a properly convened meeting or unless it is ratified by a proper vote at a subsequent, properly convened meeting.

"Properly convened meeting" refers to a Planning Commission meeting where a majority of the appointed members are present, and which was the subject of seven (7) calendar days prior written notice to each member or diligent, prior attempts to reach each member telephonically if the meeting was called with less than seven (7) calendar days notice.

"Proper vote" refers to a polling of the Planning Commissioners of the Planning Commission at a properly convened meeting which results, unless otherwise specified in these bylaws, in a majority of those members present and voting in support of a motion or resolution.

3.3 OFFICERS. The officers of the Planning Commission shall consist of the Chairperson, Vice-Chairperson, and Secretary and shall be elected for a one year term by a proper vote at the organizational meeting.

Officers shall exercise functions including but not limited to those described below:

Chairperson - shall preside at the meetings of the Planning Commission, serve as its spokesperson and signatory and coordinate its activities. The Chairperson of the Planning Commission shall be seated as a member of the Ottawa County Parks and Recreation Commission, unless the Planning Commission appoints another member to represent it on the Parks & Recreation Commission.

Vice Chairperson - shall exercise the powers of the Chairperson when the Chairperson is unavailable.

Secretary - shall be responsible for arranging meetings, and recording and distribution of the minutes of each meeting, and for carrying on the normal administrative duties necessary to the Planning Commission's functions. Upon approval of the Planning Commission, the details of these duties may be delegated to non-commission members or other Commission members.

3.4 COMMITTEES. The Planning Commission may establish such standing committees, special committees and task forces as it deems necessary. Such committees and task forces shall be advisory only in authority and shall not exercise the powers of the Planning Commission.

Standing committee members must be members of the Planning Commission. Members of special committees or task forces need not be members of the Planning Commission. Any special committee or task force established shall be required to file a written report of its activities upon the completion of its assigned task. Special committees or task forces shall be dissolved upon presentation of a final report. The Planning Commission may dissolve any special committee or task force it establishes, at any time. The Chairperson shall make committee and task force appointments subject to the approval of the Planning Commission upon a proper vote. Each committee or task force shall elect a chairperson from its membership.

3.5 RULES OF ORDER. Except as otherwise provided herein, Roberts Rules of Order shall be used in all Planning Commission meetings, including those of its committees and task forces. Members shall have the following rights and duties:

A. When a commissioner wishes to speak, he or she shall be recognized and address themselves to the Chairperson.

B. When two (2) or more commissioners wish to speak at the same time, then the Chairperson shall decide who is to speak first.

C. When a commissioner is speaking on any question before the Planning Commission, he or she shall not be interrupted except to be called to order.

D. When a commissioner is called to order, he or she shall immediately suspend his or her address except to register an appeal. The Planning Commission, if appealed to, shall decide the question upon a proper vote. If there is no appeal, the ruling of the Chairperson shall be final.

E. The Chairperson shall vote on all questions decided by yea and nay except on an appeal from his or her own decision. When a yea and nay vote is taken, every commissioner present shall vote or note their abstention.

3.6 ORDER OF BUSINESS. Regular meetings of the Planning Commission shall follow an order of business structured as follows:

A. Call to Order by Chairperson

B. Roll Call

C. Announcements

D. Approval of Minutes of Previous Meeting

E. Presentation of Petitions and Communications

F. Public Participation

G. Reports of Standing and Special Committees

H. Hearings

I. Old Business

J. New Business

K. Adjournment

Public participation shall require that each individual identify his or her name and address and speak to the Chairperson in an orderly fashion. The Chairperson may set reasonable limits upon public participation, subject to reversal by a proper vote of the Planning Commission.

3.7 PERSONNEL. The Planning Commission may petition the Ottawa County Board of Commissioners for a director and other personnel deemed necessary. All such personnel shall be county employees subject to the policies and procedures of the Ottawa County Human Resources Department.

3.8 MINUTES. The Secretary shall record, prepare in writing, sign and maintain minutes of each Planning Commission regular meeting and special meeting, noting attendance and all Planning Commission actions.

3.9 RECORDS. The records of the Planning Commission shall be considered public records subject to potential disclosure under the Freedom of Information Act, MCL 15.231 et seq. The Chairperson shall work with the Chairperson of the Ottawa County Board of Commissioners or designee in responding to request for information.

SECTION IV

DUTIES

4.1 MANDATORY DUTIES. The Planning Commission shall perform the mandatory duties specified by statute including those in MCL 125.104, MCL 125.105 and MCL 125.106. A summary of duties, both mandatory and optional as authorized by the Ottawa County Board of Commissioners and adopted by the Planning Commission, are included as Attachment 1. The Planning Commission's primary duty is to create, revise and maintain the Ottawa County Development Plan which shall promote, plan and coordinate the County's economic, social and physical growth, and environmental impact.

4.2 METROPOLITAN COUNTY PLANNING COMMISSION. The Planning Commission shall perform metropolitan and regional planning pursuant to MCL 125.104a.

4.3 DEVELOPMENT PLAN. The Planning Commission may adopt the Plan in total or in parts corresponding to major geographical or topical sections. Approval of the Plan or any part shall require a proper vote of a majority of the members appointed and serving. An approving resolution must refer expressly to any maps, charts, plats or descriptive material intended to be part of Plan and such supplementary material must be signed by the Chairperson as a notation of its inclusion in the Plan. The Secretary shall create a seal which includes the signature of the Chairperson for this purpose.

Once adopted, the Plan or any part thereof must be submitted to the Ottawa a County Board of Commissioners for their action by the Secretary's filing of a certified copy of the Plan and its supplementary material with the Ottawa County Clerk.

4.4 PLANNING COMMISSION REVIEW. Once a Plan or a part thereof has been approved and certified, all county boards, departments or agencies must submit a report of planned land acquisition, or building extensions, construction, erections or improvements to the Planning Commission through its Secretary, who shall promptly advise the Chairperson of such a submission. The Planning Commission must furnish its advice and recommendations regarding the proposal to the Ottawa County Board of Commissioners and submitting board, agency or department within thirty (30) days of the filing of the proposal with its Secretary.

SECTION V

FISCAL ADMINISTRATION

5.1 BUDGET. The Planning Commission shall work within the fiscal administration and budgetary policies and procedures established by the Ottawa County Controller/Administrator. The Planning Commission shall not expend funds in excess of those appropriated by the Ottawa County Board of Commissioners.

5.2 EXPENDITURES. All expenditures of the Planning Commission must be approved by proper vote, although the Planning Commission may by proper vote authorize identified personnel to approve expenditures of not more than $1,000.000 prior to the Planning Commission's approval, provided funds are budgeted for such expenditure and provided the Planning Commission's ratification is achieved at its next meeting.

5.3 ANNUAL AUDIT. The Planning Commission shall submit to and cooperate with the County's annual audit of all revenues and expenditures.

SECTION VI

ADOPTION AND AMENDMENTS

These Bylaws and Rules shall be adopted and become operative when approved by two-thirds of the Planning Commissioners appointed and serving. These Bylaws and Rules may be amended at any time provided the Planning Commissioners have been provided with a written copy of the proposed amendments at least seven (7) days prior to a meeting at which the amendment will be considered. Adoption of any amendment will require approval of two-thirds of the Planning Commissioners appointed and serving.

ATTESTATION

We, the Chairperson and Secretary of the Ottawa County Planning Commission hereby certify that on February 5, 1997, the Planning Commission duly approved these Bylaws and Rules.

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Chairperson

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Secretary